REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1 and 30 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the present specification at least at page 5, lines 3-6; page 11, lines 23-24; Figures 1 and 3. No new matter has been added. Claims 9, 26 and 40 were previously canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1-8, 10-25, 27-39 and 41-47 will be pending in the present application, with claims 1, 17 and 30 being independent.

1.   Rejections Under 35 U.S.C. §101

The Office Action rejects claims 1-8, 10-25, 27-39 and 41-47 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants dispute that the basis of the assertions noted in the Office Action on pages 2-4 in rejecting the claims under 35 U.S.C. 101 constitute the proper criteria in evaluating statutory subject matter. The Office Action fails to cite specific authority in support of its various criteria. Applicants request that the Examiner provide citations to the specific case law and/or rules, or any other authority, relied upon for the basis of the assertions noted in the Office Action in rejecting the claims under 35 U.S.C. 101. The arguments below are presented to address the assertions in the Office Action on their face. However, in presenting the arguments below, applicants do not concede that the criteria outlined in the Office Action on which the assertions are based are proper.

In regards to claim 1, the Office Action on pages 2-3 asserts that the "method claim 1" is unpatentable under section 101 because (i) it does not qualify as a "process" under section 101, as that term has been interpreted by case law, (ii) it seeks to patent an abstract idea, and (iii) the

"useful, concrete, and tangible result" test does not apply here, but the claim nevertheless does not meet that test. Furthermore, the Office Action asserts that the "method" of claim 1 differs from traditional process claims in that it does not recite any particular way of implementing the steps, nor does it require any machine or apparatus to perform the steps. In addition, the Office Action asserts that the claim does not recite any electrical, chemical, or mechanical acts or results, which are typical in traditional process claims, and asserts that the claim does not call for any physical transformation of an article to a different state or thing. The Office Action asserts that the claim is completely untethered from any sort of structure or physical step and is, therefore, directed to a disembodied concept. Applicants respectfully disagree with the above assertions.

First, applicants note that claim 1 is directed to a <u>computer-readable medium</u> having computer-executable instructions for performing a method, and is <u>not a method or process claim</u> *per se*. The Office Action erroneously asserts that claim 1 is directed solely to a "method" or a "process". Second, since claim 1 is directed to a computer-readable medium, examples of which are disclosed in the specification of the present application at least at page 7, lines 9-15 and page 8, lines 1-6 (e.g., hard disk, magnetic disk, optical disk, CD-ROM, flash memory card, DVD, etc.), the claim does not seek to patent an abstract idea nor a "disembodied concept". Third, claim 1 produces a "useful, concrete, and tangible" result, i.e., a computer-readable medium, and is therefore statutory subject matter. For at least the reasons above, claim 1, and the claims dependent therefrom, are directed to statutory subject matter.

The Office Action on pages 3-4 asserts that the method of claim 17 is unpatentable under section 101 for reasons similar to those indicated above with respect to claim 1. Applicants disagree with the assertions regarding claim 17.

Claim 17 is directed to a <u>computer-implemented</u> method of providing dynamic effects to an HTML document. Therefore, contrary to the assertions in the Office Action, claim 17 clearly indicates a particular way of implementing the steps recited therein, i.e., via computer-implementation. Additionally, since claim 17 is directed to a computer-implemented method,

the Office Action is incorrect in asserting that the claim is directed to a "disembodied concept", and that the claim is unclear as to whether a computer, human or something else performs the steps recited therein. For at least the reasons above, claim 17, and the claims dependent therefrom, are directed to statutory subject matter.

The Office Action on pages 4-5 interprets the computer system of claim 30 as purely a computer program, and asserts that the claim is directed to nonstatutory functional descriptive material. However, claim 30 is directed to a computer system that includes at least one processing unit, which is a physical component of the computer system (see specification, page 6, lines 19-22; Figure 1). Therefore, since the computer system of claim 30 includes at least one physical element, the computer system is not merely comprised of software or a computer program, although the computer system may include various software elements. As a result, claim 30, and the claims dependent therefrom, are directed to statutory subject matter.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-8, 10-25, 27-39 and 41-47 under 35 U.S.C. §101 are respectfully requested.

2. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1-7, 10-19, 21-25, 27, 29-39 and 41-47 under 35 U.S.C. §102(b) as being anticipated by Dynamic HTML: The Next Generation of User Interface Design Using HTML (hereinafter "Microsoft"). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 6 asserts that Microsoft teaches wherein code is not included in the document (citing page 4, 2nd paragraph, lines 1-3). Applicants disagree with this assertion.

Microsoft teaches that Dynamic HTML pages can be extended by incorporating Java Applets or ActiveX Controls in web pages, and can be scripted using VBScript, JavaScript or any other language that supports the ActiveX Scripting Interface (see page 4, 2nd paragraph, lines 1-3). Additionally, Microsoft discloses that with Dynamic HTML, interactive behavior is fully integrated with the expressive power of HTML, and integrated directly into the browser's page

display (see page 2, 3rd paragraph, lines 4-6). Furthermore, Microsoft discloses that with Dynamic HTML, <u>search result pages can be programmed with scripts</u> (see page 2, 8th paragraph, lines 4-6). Therefore, Microsoft clearly teaches embedding or including scripts or code into a document.

However, Microsoft fails to disclose or suggest, at the sections cited by the Office Action or elsewhere, the elements of wherein code is not included in the document, as included in independent claims 1, 17 and 30. As discussed in the specification of the present application, one benefit of separating script from content in a document is improved manageability of documents (see page 11, lines 11-15; page 14, lines 13-15). By including code in the document, as taught by Microsoft, the benefits of separating script from content may not be fully realized.

Therefore, since Microsoft fails to teach or even suggest every element of claims 1, 17 and 30, these claims are allowable.

Claims 2-7 and 10-16 depend from claim 1. Claims 18-19, 21-25, 27 and 29 depend from claim 17. Claims 31-39 and 41-47 depend from claim 30. As discussed above, claims 1, 17 and 30 are allowable. For at least this reason, and the features recited therein, claims 2-7, 10-16, 18-19, 21-25, 27, 29, 31-39 and 41-47 are also allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-7, 10-19, 21-25, 27, 29-39 and 41-47 under 35 U.S.C. §102(b) are respectfully requested.

3.   Rejections Under 35 U.S.C. §103

The Office Action rejects claims 8, 20 and 28 under 35 U.S.C. §103(a) as being unpatentable over Microsoft in view of Customization of Distributed Systems Using COM (hereinafter "Wang et al."). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Microsoft fails to teach or suggest all of the elements of independent claims 1 and 17. Wang et al. fails to cure this defect.

Wang et al. discloses customization of distributed systems using component object

models (COM). However, Wang et al. fails to disclose or suggest at least the elements of wherein code is not included in the document, as included, in some form, in independent claims 1 and 17.

Therefore, since Microsoft and Wang et al., alone or in combination, fail to disclose or suggest all of the elements of claims 1 and 17, these claims are allowable over the cited references.

Claim 8 depends from claim 1. Claims 20 and 28 depend from claim 17. As discussed above, claims 1 and 17 are allowable. For at least this reason, and the features recited therein, claims 8, 20 and 28 are also allowable.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 8, 20 and 28 under 35 U.S.C. §103(a) are respectfully requested.

4. **Conclusion**

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: __October 17, 2007__

By: ___/Sung T. Kim/_____

Sung T. Kim, Reg. No.: 45,398
Attorney for Applicants
Direct telephone: (703) 647-6574
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

_____October 17, 2007_____
Date

_____/Kate Marochkina/_____
Signature

_____Kate Marochkina_____
Type or Print Name

Type of Response: Amendment
Application Number: 09/316,897
Attorney Docket Number: 111399.01
Filing Date: May 20, 1999